IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Special Appeal No. 50 of 2005 (Defective)

1. State of Uttaranchal through the
   Principal Secretary
   Uttaranchal Shasan, Dehradun
2. Director General of Police, Uttaranchal
3. Additional Director General of Police
   Crime Branch, Criminal Investigation Department
   Uttaranchal
4. Inspector General of Police Karmik
   Police Had Quarter
   Dehradun ... Appellants

Vs

Vijay Kumar, S/o Veni Ram
Presently posted at Station House Officer
Ranipur
District Haridwar ...Respondent

Hon'ble M.M. Ghildiyal, J.
Hon'ble B.C. Kandpal, J.

By way of this special appeal the judgment and order dated 27.04.2004 passed by learned Singly Judge of this Court in Writ Petition No. 388 (S/S) 2004 Vijay Kumar Vs State of Uttaranchal & others has been put to challenge.

2. Brief fact giving rise to this appeal are that the respondent – Vijay Kumar filed a writ petition before this Court with the prayer to issue a writ of mandamus directing the respondents to provide the benefits of one month extra pay to the respondent as provide in the Government Order dated 07.12.1979.

3. The respondent is an Inspector in Police and is presently posted as Station House Officer, Kotwali Jawalapur, District Haridwar. During the period 17.07.1979 to 18.07.2002, the respondent was posted as Inspector in Anti Corruption Organisation, C.B.C.I.D., Haldwani, District

Nainital as non-gazetted Police Officer and was being treated to be on duty for all the time and he did not avail the holidays of Second Saturdays and Sundays and any other gazetted holidays. The respondent being aggrieved on account of inaction of the appellants by non discharging their duties by not paying one month extra pay, special pay allowances, special pay, fixed house rent allowance and motor subsidy from the period 17.07.1997 top 18.02.2002 filed the writ petition.

4. The learned Single Judge after perusing the record and hearing the learned counsel for the parties disposed of the writ petition vide judgment and order dated 27.04.2004 with a direction that the liberty is given to the respondent to make a proper representation before the appellants/authorities. It was also directed that the said authorities shall decide the claim of the respondent with regard to the benefit of one month extra pay to the respondent in accordance with the G.O. dated 07.12.1979. It was further directed that the appellants shall release the payment to the petitioner/respondent in accordance with the said G.O. The claim of the petitioner based on his representation shall be released within a period of six weeks from the date of production of the certified copy of this order.

5. Feeling aggrieved by the aforesaid impugned judgment, this special appeal has been field by the State Government.

6. Heard Sri K.P. Upadhyay learned counsel for the appellants and Ms. Jyotsna, learned counsel for the respondent and perused the record.

7. After perusing the impugned judgment and order passed by the learned Single Judge and material available on record, we are of the view that the order passed by the learned Singly Judge should be clarified to the extent that the respondent shall file a representation before the appropriate authority within a period of three weeks from today for redressal of his grievances and the appropriate authority shall decide the representation of the respondent by a speaking order within a period of six weeks from the date of receipt of his representation. If the authority concerned comes to the conclusion that the respondent is entitled for payment of one-month dues, the same shall be paid to the respondent within a period of six weeks from the date of passing of the order on his representation.

9. With the aforesaid clarification, the special appeal is finally disposed of.

(B.C. Kandpal, J.) **(M.M. Ghildiyal, J.)**

April 26, 2006.
ASWAL